

### **REMARKS**

Applicants appreciate the Examiner's thorough consideration provided in the present application. Claims 2-11 and 13-18 are currently pending in the instant application. Claims 4 and 5 have been amended, and claims 1 and 12 have been cancelled without prejudice to or disclaimer of the subject matter contained therein. Claims 2, 3 and 8 are independent. Reconsideration of the present application is earnestly solicited.

Applicants appreciate the courtesies of the telephonic interview conducted with the Examiner on April 13, 2005. During the interview, the Examiner and Applicants' representative, Matthew T. Shanley, discussed the foregoing amendments to claims 4 and 5. No other issues were discussed during the interview.

### **Reasons for Entry of Amendments**

As discussed in greater detail hereinafter, Applicants respectfully submit that the rejections under 35 U.S.C. § 103(a) are improper and/or have been rendered moot by the foregoing amendments to the claims. Accordingly, the finality of the Final Office Action mailed on February 10, 2005 should be withdrawn.

In accordance with the requirements of 37 CFR 1.116, Applicants respectfully request entry and consideration of the foregoing amendments as they remove issues for appeal (claims are cancelled and the remaining claims are allowable).

### **Allowable Subject Matter**

Applicants appreciate the Examiner's indication of allowable subject matter. Specifically, the subject matter of claims 2, 3, 8, 9, 13, 14, 16 and 17 have been allowed by the Examiner. In addition, claims 4-7, 10, 11, 15 and 18 have been indicated as being allowable if rewritten in independent format and/or to overcome the informalities cited by the Examiner. Without conceding the propriety of the Examiner's rejections, but merely to expedite the prosecution of the present application, Applicants have amended claims 4 and 5 to address the informalities concerning the term "rocker arm shaft" identified by the Examiner. Accordingly, as indicated by the Examiner, claims 2-11 and 13-18 should be allowed.

### **Priority**

Applicants appreciate the Examiner's indication of acceptance of the certified copy of the corresponding priority document for the present application.

### **Drawings**

Applicants appreciate the Examiner's indication of acceptance of the formal drawings filed on September 10, 2003.

**Minor Informalities/Claim Rejections Under 35 U.S.C. § 112**

Claims 4-11, 15 and 18 have been rejected under 35 U.S.C. § 112, second paragraph as allegedly being indefinite due to the presence of minor informalities with claim 4. This rejection is respectfully traversed.

In light of the foregoing amendments to the claims, Applicants respectfully submit that these rejections have been obviated and/or rendered moot. Applicants respectfully submit that the foregoing amendments have been made to merely clarify the claimed invention as these alleged informalities should have been merely objected to by the Examiner.

Without conceding the propriety of the Examiner's rejections, but merely to timely advance the prosecution of the application, Applicants have incorporated the changes recommended by the Examiner. Applicants submit that the requested changes do not appear to either raise a substantial question of the patentability of the claimed invention nor do they narrow the scope of the claimed invention.

**Claim Rejection Under 35 U.S.C. § 102/103**

Claims 1 and 12 have been rejected under 35 U.S.C. § 102(b) as being allegedly anticipated by Thompson (U.S. Patent No. 3,400,696), or in the alternative under 35 U.S.C. § 103(a) as being allegedly unpatentable over Thompson (U.S. Patent No. 3,400,696) in view of Official Notice. These rejections are respectfully traversed.

Without conceding the propriety of the Examiner's rejections, but merely to expedite the prosecution of the present application, claims 2 and 12 have been cancelled. Accordingly, these rejections have been obviated and/or rendered moot.

### **CONCLUSION**

Since the remaining references cited by the Examiner have not been utilized to reject the claims, but merely to show the state-of-the-art, no further comments are deemed necessary with respect thereto.


All the stated grounds of rejection have been properly traversed and/or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently pending rejections and that they be withdrawn.

In the event there are any matters remaining in this application, the Examiner is invited to contact Matthew T. Shanley, Registration No. 47,074 at (703) 205-8000 in the Washington, D.C. area.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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